

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

|                             |   |                           |
|-----------------------------|---|---------------------------|
| IN RE: AQUEOUS FILM-FORMING | ) | MDL No. 2:18-mn-2873-     |
| RMG FOAM PRODUCTS LIABILITY | ) |                           |
| LITIGATION                  | ) | This document relates to: |
|                             | ) |                           |
|                             | ) | 2:23-cv-03147-RMG         |
|                             | ) |                           |
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**CLASS COUNSEL’S MOTION FOR LEAVE TO FILE A SUR-REPLY  
IN RESPONSE TO MARTEN LAW’S REPLY IN SUPPORT OF ITS OBJECTIONS  
AND REQUEST FOR ENLARGEMENT OF PAGE LIMIT FOR SAME**

Class Counsel hereby move this Court for leave to file a Sur-Reply in response to Marten Law’s Reply in Support of its Objections (MDL Case No. 2:18-mn-2873, ECF No. 4346) (the “Marten Law Reply”), and further move this Court in accordance with Rule 7.05, DSC, for an enlargement of the number of pages permitted for a reply brief up to twenty-five (25).

Class Counsel filed their Motion for Preliminary Approval of the 3M Settlement on July 3, 2023 (ECF No. 3370). Such motion was granted on August 29, 2023, with the Court’s issuance of the Preliminary Approval Order (ECF No. 3626). The Preliminary Approval Order laid out a briefing schedule for objections and responses thereto, according to which the Marten Law firm filed multiple objections and Class Counsel then filed their Response to Objections on January 9, 2024 (ECF No. 4319). Without authority from the Preliminary Approval Order and without leave of court, the Marten Law firm filed a Reply on January 16, 2024 (ECF No. 4346). Therein, Marten Law raised entirely new arguments. Class Counsel therefore seek leave to file a sur-reply to address these never-before-seen arguments within the Marten Law Reply. Class Counsel’s proposed Sur-Reply is attached hereto as Exhibit A.

This motion should be granted so that all the issues are properly joined.

Class Counsel has conferred with Marten Law to request their consent for the filing of this Sur-Reply and Marten Law takes no position on Class Counsel's request.

Dated: January 23, 2024

Respectfully submitted,

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**[PROPOSED] ORDER REGARDING CLASS COUNSEL’S MOTION  
FOR LEAVE TO FILE A SUR-REPLY AND FOR AN ENLARGEMENT OF PAGES**

The Court hereby GRANTS Class Counsel’s Motion for Leave to File a Sur-Reply in order to respond to the Reply in Support of Objections filed by Marten Law and docketed at MDL Case No. 2:18-mn-2873, ECF No. 4346, and their request for an enlargement of pages of up to twenty-five (25) pages for their memorandum.

**AND IT IS SO ORDERED**

\_\_\_\_\_, 2024  
Charleston, South Carolina

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Richard Mark Gergel  
United States District Court Judge

**CERTIFICATE OF  
SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 23<sup>rd</sup> day of January, 2024 and was thus served electronically upon counsel of record.

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